REMARKS

Claims 1-29 are now pending in the application. Several of the claims have been amended. Support for the foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicant has amended the claims to address the Examiner's rejection. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

A.   Claims 1-6, 8-15, 17-25 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "InfiniBand™ Management Interoperability" by Gregory Pfister, published January 7, 2003, in view of Kodialam et al. (U.S. Pat. No. 6,778,531).

B.   Claims 7, 16 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "InfiniBand™ Management Interoperability" by Gregory Pfister, published January 7, 2003, in view of Kodialam et al. (U.S. Pat. No. 6,778,531) and in further view of "IP over InfiniBand (IPoIB) Architecture" an Internet Draft, December 15, 2001, by Vivek Kashyap. The rejections are respectfully traversed.

Applicant submits that the Examiner fails to explicitly provide a clear articulation of the reasons why the claimed invention would have been obvious, as required by a recent Supreme Court case KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396. The Examiner asserts that "Kodialam teaches a technique computing derived database elements." The Examiner further asserts that "[i]t would have been obvious to one of ordinary skill in the art to use the know technique for computing derived versions of database elements as taught by Kodialam." The Examiner, however, fails to provide a reason why one of ordinary skill in the art would consider modify the method of Pfister by further providing derived database elements. Kodialam can be applied only after one of ordinary skill in the art finds a reason to provide derived versions of database to Pfister and when he is further searching for known techniques for computing derived versions of database elements.

Applicant submits that Pfister teaches that there are two basic ways for maintaining consistent data, depending on whether one assumes the data is kept on shared storage, and access switched from master to standby; or the data is instead replicated on separate storage units. Pfister, p. 7, 5th paragraph. Pfister further explicitly teaches that "it can be said, with a significant degree of certainty, that the two methods outlined above are the only ways to achieve failover without data corruption." Pfister, p. 8, 3rd paragraph. (emphasis added). In other words, Pfister actually teaches away from any further searching for additional methods for maintaining consistent data, because Pfister, the primary reference relied upon by the Examiner, deems it fruitless.

The claimed invention provides a method for consistently managing an INFINIBAND architecture base on database elements. Claim 1 is directed to a method

that computes <u>derived database elements</u> independent of the subnet manager assumes the master subnet manager function, rather than merely uses the two techniques taught and believed to be the only methods by Pfister. Applicant submits that one of ordinary skill in the art would not consider modify Pfister to include the technique of computing independent derived database elements.

Assuming, *arguendo*, that Kodialam can be combined with Pfister, Applicant submits that the combination fails to anticipate the limitations of claim 1. Claim 1 is directed to a method that computes independent derived database elements independent of the subnet manager assumes the master subnet manager function. The combination proposed by the Examiner would not appear to teach or suggest computing database elements independent of the subnet manager assumes the master subnet manager function. The proposed combination would not achieve the claimed independence.

In view of the foregoing, Applicant submits that claims 1, 11, and 20 define over the art cited by the Examiner. Likewise, claims 2-10, 12-19, and 21-29, which depend from respective claims 1, 11, and 20, also define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejections over the cited art.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 2, 2008   By: /Joseph M. Lafata/
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